

The Dynamic Duo: Policy and Procedure



Michael Schaffer, MBA

Director, Environmental Public Health

Scott Jeansonne, MELP

Compliance, Environmental Public Health

06 . 05 . 18



THE POWER OF FOOD SAFETY



BY HARRIS COUNTY PUBLIC HEALTH

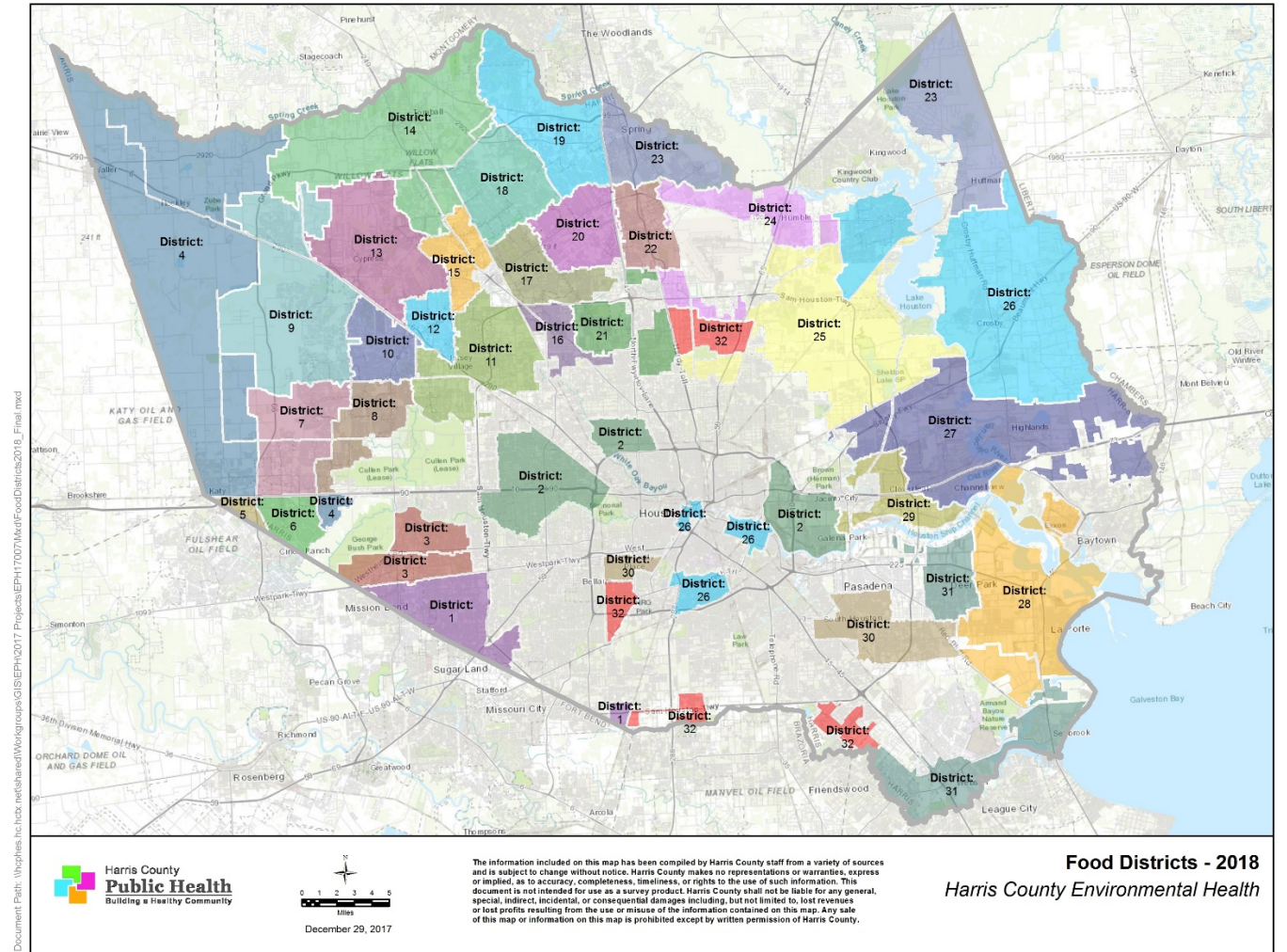
What is compliance?



Harris County Public Health Jurisdiction

The Environmental Public Health (EPH) Division of Harris County Public Health (HCPH) is responsible for the permitting & inspecting nearly 9,000 retail food establishments located in unincorporated areas as well as 24 small cities of Harris County; which have a combined population of approx. 2.5-million residents.

Compliance is important to protect
against foodborne illness.



Laws & Regulations

- » Texas Health & Safety Code Chapter 431
- » Texas Health & Safety Code Chapter 437
- » Texas Administrative Code, Title 25, Chapter 228, **T**exas **F**ood **E**stablishment **R**ules (**TFER**)
- » Harris County Regulations



A thick border composed of parallel red diagonal lines runs along the edges of the slide, framing the central text.

Compliance Policy & Procedure

Types of Compliance

» **Conditional Compliance**

Conditional Permits & Active Managerial Controls (AMC's)

» **Enforcement Compliance**

Citations & Criminal Charges

» **Administrative Compliance**

Administrative Hearings & Directives

» **Legal Compliance**

Injunctions & Temporary Restraining Orders (TRO's)



Conditional Compliance

- » For those establishments that have repeat violations within a two year period of time, EPH may require **AMCs** be in place, which we call a **Conditional Permit**. Keep in mind this is after educating repeatedly. Notified on the inspection report.
- » A **Conditional Permit** requires that a food establishment submit documentation demonstrating that **AMCs** are being used to address the establishments repeated violations.
- » **Conditional Permits** require establishment to submit log sheets, checklists, or other materials on a weekly or monthly basis to EPH for review.
- » By requiring the use of **AMCs**, establishments will focus attention on areas of concern which should result in a reduction violation occurrence.
- » Currently there are approximately 600 establishments with conditional permits, which is roughly 7% of all establishments permitted by HCPH.

POST IN A CONSPICUOUS PLACE

HARRIS COUNTY PUBLIC HEALTH


PERMIT 164450

This is to Certify That _____
has complied with the rules and regulations of this Department
and as declared under Chapter 437 Texas Health and Safety Code
is hereby granted this PERMIT.

This Permit is to remain in full force until _____
unless sooner revoked for non-compliance of the rules and regulations
of this Department.

Commence Date _____ Purchase Date _____

APPROVED

 Harris County
Public Health
ENVIRONMENTAL PUBLIC HEALTH

Michael R. Schaffer
Director, Environmental Public Health

Permit Fee \$ _____

NON-TRANSFERABLE **NON-REFUNDABLE**

PROPERTY OF HARRIS COUNTY PUBLIC HEALTH - DO NOT DEFACE

Compliance Formula

Conditional Permits

A Conditional Permit will be issued and **AMCs** submission will be required for any violation that has been:

Out 4 or more times in the past 2 years

AND has also been out at least 1 time in the previous year

Enforcement Compliance

Citations & Charges

- » The authority to issue citations comes from the Harris County Court Order & the Texas Health & Safety Codes in Chapters 341 & 437.
- » **Citations** are issued for a variety of circumstances such as
 - » Operating without a permit
 - » Illegal disposal of waste water
 - » Illegally operating a public water system
 - » Operating a food establishment in an unsanitary condition
- » **Citations** are issued to the **person in charge** at the time of the inspection.
- » **Charges** are filed against the **business owners** under the same statutes if they are not present to accept the citation.



Administrative Compliance

Administrative Hearings & Directives

- » **Administrative Hearings** result from an extensive number of repeated violations &/or violations of a previously issued Conditional Permit.
- » Administrative Hearings afford all establishments due process and may result in an **Executive Order** ordering the suspension, revocation or denial of a food establishments permit.
 - » Permit Suspension: The temporary closure of a food establishment until requirements set-forth in the Executive Order.
 - » Permit Revocation: The closure of a food establishment for a specific number of days set forth in the Executive Order. Closure may be anywhere from 10-180 days, after which a new permit may be obtained. Completion of the HCPH Plan-review process may be required prior to re-opening.
 - » Permit Denial: The inability of HCPH to issue a permit renewal application. Establishment will be required to remain closed throughout the duration of the Administrative Hearing process. After which a new permit must be obtained; completion of the HCPH Plan-review process may be required prior to re-opening.
- » **Directives** are orders issued by HCPH which may result in: the suspension, revocation or denial of a food establishment's permit, **if** the establishment waived its right to a hearing.

Compliance Formula

Hearing Notice Calculation

A violation of a Conditional Permit

OR

Over the 2 year history of an establishment:

» Risk Code One

» 6 or more violations observed 3 or more times in the past 2 years

» Risk Code Two

» 7 or more violations observed 3 or more times in the past 2 years

» Risk Code Three+

» 7 or more violations observed 4 or more times in the past 2 years or

» 9 or more violations observed 3 or more times in the past 2 years

Legal Compliance

Temporary Restraining Orders & Injunctive Relief

- » The highest level of compliance taken against repeated violators.
- » **Temporary Restraining Order (TRO)** is a short-term measure issued by a county court, until something more enduring, can be completed. A TRO is an order from a county court for a food establishment to temporarily cease operations.
- » **Injunctive relief** is a discretionary power of the court, in which the court balances the potential harm and damages if an injunction were not granted against the damages that result if an injunction was granted.
- » An **injunction** is an order from a county court requiring the food establishment to cease operations. An injunction could be issued only after the establishment has been given adequate notice but failed to follow the court's orders may be punished for contempt of court.





**How to stay in
compliance?**

COMMUNICATION !

Communicate with your investigator

Walk with your investigator during inspections

- » See exactly what the Investigator sees
- » The Investigator will point out why something is or isn't a violation in real time
- » Answer questions the Investigator's questions about on-site processes
- » Hear the Investigator's comments and questions to your staff regarding violations and corrections
- » Ask the Investigator questions
- » Ask the Investigator for advice on improving food safety processes



Communicate with your Investigator

Correct violations during the inspection.

- » Correction of violations during the inspection allows the violation on the inspection report to be noted as 'Corrected on Site'
- » Provides on-site training to learn how to correct future issues

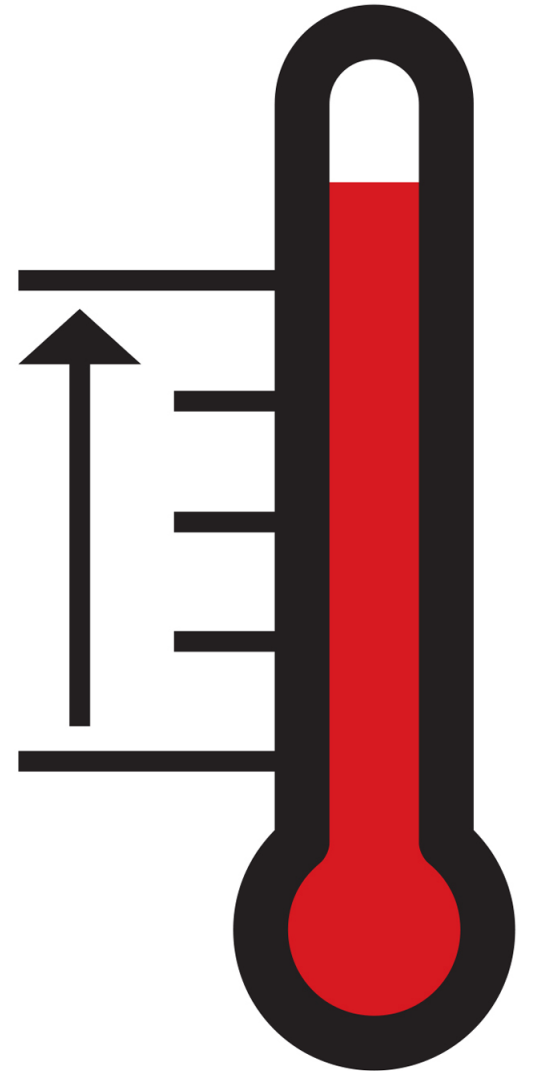


Communicate with your Investigator

Review the inspection report with the Investigator on site

- » Review and identify all the violations cited during the inspection
- » Ask questions if you are unsure what the violation is
- » Review all pages of the report and ask for explanations of recommended AMCs, or in the case of Conditional Permits, required AMCs

Food
Safety
Talk



Communicate with your Investigator

Be involved

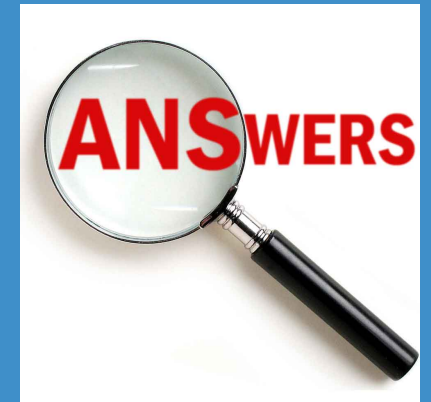
- » If you are an Owner, Partner, Regional Manager, District Manager, General Manager, be involved with your food establishments
- » Be present during inspection and walk with your Investigator
- » Review inspection reports – all pages
- » Implement & follow through with your own AMC's
- » Interact with your staff to understand their issues and answer their questions

Owning a restaurant seems like a flashy business.
From a distance it seems extremely easy.
All you have to do is invest money. Select a good location, hire an expert staff, a good manager who'll take care of things on your behalf, then just sit back and watch the money roll in.
THE TRUTH HOWEVER, IS FAR FROM THIS.

Communicate with your Investigator

Ask Questions

- » If you're unsure why a violation is a violation, ask a question
- » If you're not sure how to correct a violation, ask a question
- » If you're not sure how to prevent this violation in the future, ask a question
- » If you don't understand your inspection report, ask a question
- » If you don't understand the AMCs, ask a question





QUESTIONS ?

Join at
slido.com
#FSS2018

FSS'18



BROUGHT TO YOU BY HARRIS COUNTY PUBLIC HEALTH